MARINE STEWARDSHIP COUNCIL

IN THE MATTER OF AN OBJECTION TO THE FINAL REPORT AND DETERMINATION ON THE PROPOSED CERTIFICATION OF THE NORTH SEA BROWN SHRIMP FISHERY UNDER THE MSC PRINCIPLES AND CRITERIA FOR SUSTAINABLE FISHING

ACKNOWLEDGMENT OF AGREEMENT RESOLVING THE OBJECTION

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1. This matter comes before me as an Independent Adjudicator for the Marine Stewardship Council (the "MSC") in connection with a Notice of Objection filed by the NGO Consortium (the "objector") against the proposed certification of the North Sea Brown Shrimp fishery (the "subject fishery") pursuant to the terms of the MSC Principles and Criteria for Sustainable Fishing (the "MSC Principles"). As explained below, because the parties to this objection have been able to resolve their differences through the consultation process, the matter will not proceed to adjudication and, upon completion of a Public Certification Report consistent with the terms of the settlement, shall be dismissed.

2. In accordance with the MSC's Fisheries Certification Requirements v. 2.0 (the "CR"), the German Brown Shrimp Steering Group GbR, the Danish Fishermen Producers' Organisation and the Cooperatieve Visserij Organisatie (CVO) (collectively, the "fishery client") entered into the MSC full assessment process on January 28, 2016. The assessment was then carried out by a team from an accredited conformity assessment body, Acoura Marine Ltd. (the "CAB"). On January 19, 2017, the CAB issued a Public Comment Draft Report. Following receipt of public comment, the CAB issued a Final Report and Determination on July 18, 2017. The Final Report and Determination determined that the subject fishery attained a score of 80 or more against each the MSC Principles and did not score less than 60 against any Performance Indicator. Accordingly, the Final Report and Determination recommended that, subject to certain conditions set out in Appendix 1.3 of the Report, the fishery be certified as a sustainable fishery in accordance with the MSC Principles.

3. Pursuant to the MSC Objections Procedure set out in Annex PD of the CR (the "Objections Procedure"), on August 15, 2017, the objector filed a Notice of Objection to the CAB's Final Report and Determination. On August 22, 2017, my predecessor determined that the Notice of Objection was admissible, and, on the same date, the MSC posted the Notice of Objection on its website. August 22, 2017, thus became the "date of publication" for purposes of various timeliness set out in the Objections Procedure. Following such publication, and extension of the deadlines in the Objections Procedure, in accordance with PD 2.4.8, the fishery client submitted a memorandum responding to the Notice of Objection on October 6, 2017, and, in accordance with PD 2.5.1.1, the CAB provided its response on October 13, 2017.

4. The submission of the CAB's response triggered the consultation period under PD 2.5.3. In accordance with such provision, an initial teleconference of the parties was held on October 17, 2017. Based upon representations made at that teleconference, on October 18, 2017, I found that there was a "real and imminent" prospect of settlement within the meaning PD 2.5.3.1, and, to give the parties further time to work out their differences, I extended the consultation period until November 9, 2017. After an additional one day extension, in light of progress being made, and following another teleconference on November 10, 2017, I extended the consultation period for two more weeks, until November 24, 2017.

5. As set out in a Notice Regarding Agreed Resolution of Objection, dated November 24, 2017, at a conference call held on November 24, I was advised that the parties had in principle reached a settlement of this matter, and I was presented with a draft agreement to this effect. I thereupon directed the parties to submit a final, signed agreement by November 29, 2017. This has now been done. On November 29, the parties presented a final agreement to me. In essence, the agreement, a copy of which is attached at Tab A, provides for (a) specified bycatch reduction actions, to be embodied in the Client Action Plan (the "CAP") and/or the Brown Shrimp Management Plan (the "BSMP"), together certain other changes to the BSMP; (b) specified habitat protection actions, to be embodied in the CAP and/or BSMP; and (c) establishment of a joint working group. The scoring has remained unchanged, and the determination to certify the fishery stands. As part of the agreement, the objector has agreed to withdraw its Notice of Objection.

6. As stated in my November 24 Notice, the next step is for the CAB to prepare the Public Certification Report. Once I am advised by the CAB that this has been done, the entire matter will be dismissed.

Eldon V.C. Greenberg
MSC Independent Adjudicator

Dated: November 29, 2017

TAB A

Agreement regarding the MSC Certification of the North Sea Brown Shrimp Fishery (NSBS)

between

The "NGO Consortium" acting as a stakeholder in the NSBS fisheries' MSC certification and being represented for the purpose of this agreement by WWF Netherlands and WWF Germany (in short: the NGOs)

and the

German Brown Shrimp Steering Group GbR;
Danish Fishermen Producer Organisation; and
Coöperatieve Visserij Organisatie (CVO),
being the client in the NSBS fisheries' MSC certification
(in short: the Fishery)

Preamble

In order to support nature protection and the brown shrimp fisheries' intention to be a sustainable fishery that deserves a long lasting place in the coastal areas, the Fishery and the NGOs have made this agreement. The purpose of it is to minimize the impact of the shrimp fishery on habitats, protected areas and bycatch species. To contribute to this purpose the agreement defines extra actions that the Fishery has agreed to take within the certification period in addition to those specified under the formal conditions and recommendations set by the Conformity Assessment Body (CAB, Acoura Marine Ltd.) in the framework of the NSBS fisheries' MSC certification. The NGOs agree to cooperate in this process and to continue to act as a stakeholder during the certification period. In signing this negotiated agreement the NGO Consortium agrees to withdraw the Notice of Objection lodged against the final report and determination for the MSC assessment of the NSBS fishery.

1) Bycatch Reduction Actions

The Fishery agrees that additional measures should be taken that lead to a continual reduction of bycatch in the shrimp fishery. Therefore, the Fishery strives to minimize unwanted catch of (1) small shrimp, (2) other invertebrates and (3) fish. To achieve this goal the Fishery agrees that the collection of bycatch data in the brown shrimp fishery must be improved and harmonized across the trilateral fleet. The Fishery is committed to implementing bycatch monitoring improvements in a clear demonstrable way for the MSC categories of Primary (i.e. managed) and

Secondary (i.e. unmanaged) species and believes that this is necessary to ensure that appropriate actions are taken during the 5-year MSC certification period.

Therefore the parties have agreed to implement the following actions, with the intent to incorporate them also into the Client Action Plan and/or the Brown Shrimp Management Plan to be published in the Public Certification Report for the Fishery:

a) In addition to Condition 2 set by the CAB for the ETP (i.e. Endangered, Threatened and Protected) Species Information PI (i.e. Performance Indicator) 2.3.3, the Fishery agrees to implement Recommendation 7 made by the CAB in the Public Certification Report that states:

The design and collection of improved catch composition data across all three countries is encouraged, so that bycatch data can be compared and trends noted; i.e. harmonized Dutch and German (and Danish) sampling programs and methods. (See also ICES WGCRAN 2015):
Future considerations for [both] monitoring programs are:
1. We need to find profound methodologies to raise shrimp discard data to fleet level, for example by increasing the sampling coverage and/or by the introduction of a statistically sound sampling scheme.
2. Protocols on board need to be optimized. There is a need for a better estimation of different catch fractions.

The Fishery hereby agrees to continue to coordinate with the appropriate national institutes and agencies to harmonize and improve bycatch monitoring and to implement recommendations regarding sampling design and observer coverage levels in line with the scientific advice provided by these bodies.

b) Record which bycatch reduction device is deployed (if not a sieve net) with each haul when any ETP species is registered under the Fisheries ETP registration program. The joint working group (see #3) will look into the potential of recording of information on bycatch reduction devices under the mandatory logbook for the Fishery.

c) Jointly review the ETP species list, wheelhouse guide and process for recording ETP species with the intention of making it more comprehensive within the first year of certification.

d) Provide information in the fleet inventory required under Condition 1 on whether vessels are using underwater release of bycatch, and to show that there is considerable progress over time with the implementation of underwater release.

The parties have also agreed that the following changes will be made to the Brown Shrimp Management Plan:

a) As a statement of intent regarding the requirements of Condition 2 set by the CAB for the ETP Species Information / Management PI 2.3.3, the Fishery agrees to add to section E2.1 of the Brown Shrimp Management Plan the following: "*If we detect significant trends in ETP catch rates that require action we will implement additional bycatch reduction measures.*" (see p. 1 in the Fishery response to the "Notice of Objection" filed by the NGOs).

b) To further clarify the requirements for the use of mandatory bycatch reduction devices, the Fishery agrees to amend section C 3.1 of the Brown Shrimp Management Plan to state: "*Trawls used by the participants for brown shrimp fishing must contain at any time – even if exemptions are allowed by national authorities – a sieve net with a maximum opening of 70 mm or a sorting grid with a maximum of 20 mm between the bars or an alternative measure that is qualified to reduce bycatch rates. All measures have to be placed in accordance with the national law and specifications that follow from EU technical rules (850/98 or later versions).*"

2) Habitat Protection Actions

Because a large proportion of the fishery takes place within protected areas, the Fishery agrees to take responsibility to contribute to allowing these areas to fulfill their purpose in the protection of species, habitats, and the ecosystem.

Therefore, in addition to the habitat management and information requirements set by the CAB under Conditions 3 & 4 for the Habitat Management PI 2.4.2 and Habitat Information PI 2.4.3, the parties have agreed to implement the following actions, with the intent to incorporate them also into the Client Action Plan and/or the Brown Shrimp Management Plan to be published in the Public Certification Report for the Fishery:

a) Request that the Thünen-Institute invite the NGOs to comment within an appropriate timeframe on the research questions and the research design of the German/Danish research project on the habitat impact of the Fishery which is intended to begin in 2018.

b) Implement CAB Recommendation 10 (following the investigation by Schulte et al 2015) and evaluate the possibility of areal management of the fishery, i.e. fishing in certain areas only, such as particular tidal basins for example, with a view on how the purpose of the protected areas can be fulfilled. This will include monitoring the extent of shrimp fishing in tidal basin closures implemented under the blue mussel fishery Framework Agreement.

c) If the results of the above mentioned German/Danish research project indicate that fishing in certain areas only can facilitate the recovery of VME (Vulnerable Marine Ecosystems) and other important habitats, the Fishery

will collaborate with the NGOs and the National Park administrations to develop a phased-in approach for a plan to begin the implementation of a representative network of concurrent closures within 5-years.

3) Joint Working Group

During the whole MSC certification period there will be a joint working group consisting of the Fishery and the NGOs, and if mutually agreed other stakeholders, coming together at least twice a year (once close to the beginning of the annual surveillance audit by the CAB and once mid-way between the annual surveillance audits) and discussing/consulting/negotiating the implementation of the conditions, the recommendations and the actions described in this agreement with a view to support the sustainability of the fishery and the protection goals of the area where the fishery is operating in. The working group will be coordinated by the Fishery. The NGOs will name one contact person to serve as coordinator for them. Information as e.g. the information for the MSC surveillance audits is provided also to the NGOs prior to meetings subject to an appropriate confidentiality agreement.

Concluded Nov 24, 2017, and signed Nov 27-29, 2017

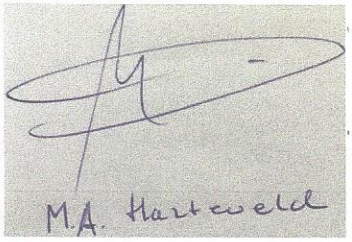
Signatures

Coöperatieve Visserij Organisatie (CVO)

Kees van Beveren and Johan Nooitgedagt

German Brown Shrimp Steering Group GbR,
Dirk Sander and Philipp Oberdörffer

Danish Fishermen Producer Organisation,
Jesper Juul Larsen



Marieke Harteveld, WWF Netherlands

Heike Vesper, WWF Germany

Peter Blanner, WWF Denmark

Arjan Berkhuysen, Waddenvereniging

Harald Förster, Schutzstation Wattenmeer

Kim Detloff, NABU

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Floris van Hest, Stichting de Noordzee